UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,557	11/24/2003	Osamu Ikeda	040808-5057-02	1848

9629 7590 10/30/2008

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER	
HASAN, SYED Y	

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
10/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/718,557	IKEDA ET AL.	
	Examiner	Art Unit	
	SYED Y. HASAN	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 July 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1, 3 - 48, 50 and 51* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3 - 48, 50 and 51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/24/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3 – 48, 50 and 51 filed on 07/10/2008 have been considered but are moot in view of the new ground(s) of rejection.

In re page 15 applicant argues with respect to claim 1 that, Kuba et al. fails to teach or suggest a scenario file as claimed in the present application. Rather, Kuba et al. relates to an image recorder and file manager of the images recorded. Kuba et al. teaches that once the images are recorded, they can be stored and displayed by date, event, etc. However, Kuba et al. is silent about editing images once they are recorded according to a separately recorded scenario file. Moreover, while the Office Action states that Kuba et al. teaches a scenario file, the Action fails to specifically point out where in Kuba et al. such a scenario file is taught, but rather obtusely cites to columns 31 – 32 of the patent.

In response examiner points out that applicant defines scenario files as being formed by recording a replay order or a replay condition of the image file with a predetermined file format, Ikeda et al (para 0019). Per this definition scenario file as disclosed in Kuba et al is shown at (fig 60, col 31, lines 14 - 28 and col 32, lines 44 – 67). However Kuba is silent about editing images once they are recorded according to a separately recorded scenario file. On the other hand Dwyer teaches an image display and archiving system having the capability of displaying thumbnails so that the user can edit the desired image files through an intuitive operation only on the thumbnail

display (col 4, lines 50 – 62 and col 5, lines 19 – 50)

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 3 – 6, 8 -11, 13 - 24, 26, 29 – 48, 50 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuba et al (US 5806072) as applied to claim 1 above, and further in view of Dwyer et al (US 5706457).

Regarding **claim 1**, Kuba et al discloses an image editing apparatus (Fig. 56) having a recording medium (71 of Fig. 56, column 29, lines 47 – 50) for storing an image file and a scenario file, wherein the scenario file is formed by recording a replay order or a replay condition of the image file with a predetermined file format (fig 60, col 31, lines 14 - 28 and col 32, lines 44 - 67) a scenario evaluating circuit (72 of Fig. 56, column 29, lines 48 to column 30 line 3); and an editor for editing the image file in response to an evaluation by the scenario evaluating circuit (72 of Fig. 56, column 32, lines 44-67).

a recorder for recording the image file on the recording medium (70 of Fig. 56, column 32, lines 29-43)

However Kuba does not disclose thumbnail images are displayed on the display to represent image files and scenario files.

On the other hand Dwyer teaches an image display and archiving system having the capability of displaying thumbnails so that the user can edit the desired image files through an intuitive operation only on the thumbnail display (col 4, lines 50 – 62 and col 5, lines 19 – 50)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of displaying the thumbnails represent the image files as taught by Dwyer et al in the invention of Kuba et al in order to simplify the operation in editing the image files.

Regarding **claim 3**, Kuba et al further discloses that the scenario file comprises at least one of a replaying speed of the image file, a number of repetitions for replaying the image file, a replay range of the image file, a special effect, and a replay of sound associated with the image file (column 32, lines 18-28).

Regarding **claim 4**, Kuba et al further discloses wherein the scenario file includes identification data indicating if other scenario files are recorded as part of the scenario file (Fig. 60 and column 31, lines 14-28) and wherein the scenario evaluating circuit evaluates the replay order of the image files by following the corresponding scenario file in a hierarchical manner based on the identification data (Fig. 60, column 31, lines 14-28 and column 32, lines 44 - 67).

Regarding **claim 5**, Kuba et al discloses a manual replay circuit for replaying the image files recorded in the recording medium according to an external replay operation

(74 of Fig. 56 and column 32, lines 44-67) and a first scenario editor that records a sequence of manual steps as a replay order or replay condition in the scenario file (72 of Fig. 56 and column 32, lines 44-67).

Regarding **claim 6**, Kuba et al discloses an edit input unit (74 of Fig. 56 and column 32, lines 44-67) for receiving the editing operation for the plurality of image files and a second scenario making editor for recording a replay order or replay condition as a scenario file based on the editing operation received from the editing input unit (72 of Fig. 56 and column 32, lines 44-67).

Regarding **claim 8**, Kuba et al discloses wherein a replay mechanism replays image files taken from the recording medium according to the replay order or the replay condition evaluated by the scenario evaluating circuit (column 32, lines 44-67).

Regarding **claim 9**, Kuba et al discloses wherein the recording medium further includes a first recording medium (column 31, lines 5-13) for storing the image file and a second recording medium (column 31, lines 5-13) for storing the scenario file.

Regarding **claim 10**, Kuba et al discloses an image recording and editing apparatus (Fig. 56) having a camera (61-64 of Fig. 56); a recording medium (71 of Fig. 56); a recorder (70 of Fig. 56) an image file representing an image acquired by the camera and stored on the recording medium by the recorder (column 32, lines 29-43); a scenario file stored on the recording medium (columns 31-32); a display (77 of Fig. 56); and a controller (72 of Fig. 56, column 32, lines 29-67) for controlling the display according to instructions stored in the scenario file and for controlling the recording of the images in the image file.

However Kuba does not disclose thumbnail images are displayed on the display to represent image files and scenario files.

On the other hand Dwyer teaches an image display and archiving system having the capability of displaying thumbnails so that the user can edit the desired image files through an intuitive operation only on the thumbnail display (col 4, lines 50 – 62 and col 5, lines 19 – 50)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of displaying the thumbnails represent the image files as taught by Dwyer et al in the invention of Kuba et al in order to simplify the operation in editing the image files.

Regarding **claim 11**, Kuba et al discloses a lens (61 of Fig. 56) for forming the image in the camera and an imaging element (62-64 of Fig. 56) for converting the image into digital form.

Regarding **claim 13**, Kuba et al discloses wherein the recorder includes a disk drive (column 22, lines 55-61).

Regarding **claim 14**, Kuba et al discloses wherein the disk drive is an optical disk drive, and the recording medium is an optical recording medium (column 22, lines 55-61).

Regarding **claim 15**, Kuba et al discloses wherein the controller is a microprocessor-based controller (72 of Fig. 56 and column 28, lines 53-67).

Regarding **claim 16**, Kuba et al discloses a control panel interfacing with the controller (74 of Fig. 56).

Regarding **claim 17**, Kuba et al discloses an image compression/decompression circuit (68 of Fig. 56) for compressing/decompressing the images.

Regarding **claim 18**, Kuba et al discloses a display driver (77 of Fig. 56) to drive the display.

Regarding **claim 19**, Kuba et al discloses wherein the scenario file is formed by recording at least one of a replay order or a replay condition of the image file (column 32, lines 44-67).

Claim 20 is rejected for the same reasons as discussed in claim 3 above.

Claim 21 is rejected for the same reasons as discussed in claim 4 above.

Claim 22 is rejected for the same reasons as discussed in claim 5 above.

Claim 23 is rejected for the same reasons as discussed in claim 6 above.

Regarding **claim 24**, Kuba et al further discloses wherein the controller resolves inconsistencies in the scenario file according to one of a predetermined priority order or an externally supplied instruction (column 32, lines 44-67).

Regarding **claim 26**, Kuba et al further discloses external controls (74 of Fig. 56) for controlling display of images on the display, and wherein the controller further edits the image files in response to the external controls (column 32, lines 44-67).

Claim 29 is rejected for the same reasons as discussed in claim 10 above.

Regarding **claim 30**, Kuba et al discloses the step of capturing a plurality of images (61-64 of Fig. 56); storing the plurality of images on the recording medium (69-71 of Fig. 56); and creating a plurality of control instructions, wherein each of the plurality of image files has a corresponding control instruction (columns 31-32).

Regarding **claim 31**, Kuba et al further discloses the step of creating a plurality of scenario files, wherein each of the plurality of scenario files corresponds to at least one of the plurality of image files (columns 31-32).

Regarding **claim 32**, Kuba et al discloses that the plurality of scenario files are constructed in a hierarchical manner (column 31 and column 1, lines 44-56).

Regarding **claim 33**, Kuba et al discloses that the step of creating a scenario file and storing the scenario file on the recording medium (columns 31-32).

Regarding **claim 34**, Kuba et al discloses the step of storing a plurality of instructions in the scenario file (columns 31-32).

Regarding **claim 35**, Kuba et al further discloses the step of resolving possible inconsistencies between each one of the plurality of instructions in the scenario file (column 32, lines 44-67).

Claim 36 is rejected for the same reasons as discussed in claim 33 above.

Claim 37 is rejected for the same reasons as discussed in claim 10 above.

Regarding **claim 38**, Kuba et al discloses wherein the recording medium is a magneto-optical recording medium (column 22, lines 55-61).

Regarding **claim 39**, Kuba et al discloses wherein the step of storing the first image on a recording medium stores the image on a disk-shaped recording medium using a disk drive (column 22, lines 55-61).

Regarding **claim 40**, Kuba et al discloses the step of compressing a digital representation of the first image (68 of Fig. 56).

Regarding **claim 41**, Kuba et al discloses wherein the step of creating the control instruction creates the control instruction in response to an external input (74 of Fig. 56 and columns 31-32).

Regarding **claim 42**, Kuba et al discloses wherein the step of creating the control instruction includes recalling an instruction from memory by a microprocessor (columns 30-31).

Regarding **claim 43**, Kuba et al discloses wherein the step of displaying the first image includes the step of decompressing a digital representation of the image stored as an image file on the recording medium (68 of Fig. 56).

Regarding **claim 44**, Kuba et al discloses wherein the control instruction includes at least one of a replay, a delay, a special effect, or a replay order (column 32, lines 44-67).

Regarding **claim 45**, Kuba et al discloses a memory (column 2, line 65 to column 3, line 5, column 29, lines 7-15 and column 32, lines 29-43) for storing an image file including moving image data and a scenario file includes a reproduction start point and a reproduction end point of the moving image data of the image file an a reproducer for reproducing the moving image data in accordance with the reproduction start point and the reproduction end point (column 32, lines 44-67).

Regarding **claim 46**, Kuba et al also discloses that the scenario file includes frame number information corresponding to the frame numbers of the moving image data (column 32).

Regarding **claim 47**, Kuba et al further discloses that the image file includes time stamp data, and the scenario file includes time information corresponding to the time stamp data (column 32, lines 44-67).

Claim 48 is rejected for the same reasons as discussed in claim 3 and 45 above.

Regarding **claim 50**, Kuba et al further discloses that a memory for storing moving image data, a reproduction start point of the moving image data, and a reproduction end point of the moving image data, (column 2, line 65 to column 3, line 5, column 29, lines 7-15 and column 32, lines 29-43) wherein the moving image data, the

reproduction start point of the moving image data and the reproduction end point of the moving image data are stored in an image file, wherein the image file is stored in the memory (column 3, lines 29 – 39 and column 34, lines 11 – 31)
a scenario file stored in the memory, wherein the scenario file includes at least one of a replaying speed of the image file, a number of repetitions for replaying the image file, a replay range of the image file, a special effect, and a replay of sound associated with the image file; (column 32, lines 18-28) and a reproducer for reproducing the moving image data in accordance with the reproduction start point and the reproduction end point (column 32, lines 44-67)

Claim 51 are rejected for the same reasons as discussed in claim 45 above.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuba et al (US 5806072) in view of Dwyer et al (US 5706457) and further in view of Niida et al (US 6002837).

Regarding **claim 7**, Kuba et al and Dwyer et al disclose all the features of the instant invention as discussed in claim 1 above except for providing a corrector for

detecting an inconsistency when the plurality of image files is replayed along with the scenario file, and for correcting the inconsistency according to one of a predetermined priority order or an externally input correction instruction.

Niida et al teaches an image reproducing apparatus (Fig. 2) having a corrector for detecting an inconsistency (drop out) when the plurality of image files is replayed and correcting the inconsistency according to one of a predetermined priority order or an external input correction instruction (Fig. 2 and column 4, line 33 to column 6, line 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the drop out correction circuit of Niida et al into the combined invention of Kuba et al and Dwyer et al in order to increase the quality of the reproducing video signal by correcting the drop out.

5. Claims 12, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuba et al (5806072) in view of Dwyer et al (US 5706457) and further in view of Kikuchi et al (5815160).

Regarding **claim 12**, Kuba et al and Dwyer et al disclose all the features of the instant invention as discussed in claim 10 above except for providing a common data bus; a microprocessor connected to the common data bus; an image memory connected to the common data bus; a compress/decompression circuit connected to the common data bus; a display driver connected to the common data bus; and a disk drive connected to the common data bus.

Kikuchi et al teaches a presentation system having a common data bus (system bus of Fig. 15) and various devices are connected to the common data bus (Fig. 15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate capability of connecting electronic devices to the common data bus as taught by Kikuchi et al into the combined invention of Kuba et al and Dwyer et al in order to simplify the constructing of the apparatus.

Claim 27 is rejected for the same reasons as discussed in claim 12 above.

Regarding **claim 28**, Kuba et al discloses a plurality of image files (column 31) and a plurality of scenario files, wherein each image has a corresponding scenario file, and wherein the plurality of scenario files and the plurality of image files are arranged hierarchically (columns 31-32).

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuba et al (5806072) in view of Dwyer et al (US 5706457) and further in view of Suga et al (6192191).

Regarding **claim 25**, Kuba et al and Dwyer et al disclose all the features of the instant invention except for providing that thumbnail images are displayed on the display to represent image files and scenario files.

Suga et al teaches a recording medium having the capability of displaying thumbnails so that the user can edit the desired image files through an intuitive operation only on the thumbnail display screen (fig 1, col 7, line 42 to col 8, line 17)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of displaying the thumbnails represent the image files as taught by Suga et al in the combined invention of Kuba et al and Dwyer et al in order to simplify the operation in editing the image files.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Y. Hasan whose telephone number is 571-270-1082. The examiner can normally be reached on 9/8/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S. Y. H.
10/22/2008

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621